



Jul 02 2001  
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C., 20231, on:

Date: 6/28/01

By: Deborah Brockmeyer

Docket No. 4257-0025.30

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Stephanie K. Clendennen et al.

SERIAL No.: 09/811,093

FILED: March 16, 2001

FOR: MELON PROMOTERS FOR EXPRESSION OF  
TRANSGENES IN PLANTS

EXAMINER: Unknown

ART UNIT: 1645

Response to Notice to File Missing  
Parts of Application

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

1. In response to the Notice to File Missing Parts mailed May 23, 2001 (copy enclosed), applicant submits the following:

- An Executed Declaration of Inventorship
- A Power of Attorney by Assignee
- a copy of two assignment recordation cover sheets for informational purposes only (Form PTOL-1595) for assignments being filed separately.

2. Conditional Petition for Extension of Time

Applicant petitions for an Extension of Time if necessary for timely filing of this Response.

3. Fee Payment

- Applicant claims small entity status. See 37 CFR §1.27

- Enclosed is a check for \$65 in payment of the surcharge for late filing of declaration.
- Please charge any underpayment for timely filing of this Response to Deposit Account No. 04-0531.

Respectfully submitted,

  
Linda R. Judge  
Registration No. 42,702

Date: June 27, 2001

Correspondence Address:

Customer No. 22918  
Phone: (650) 324-0880



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

# 3

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/811,093	03/16/2001	Stephanie K. Clendennen	4257-0025.30

CONFIRMATION NO. 8290

22918  
IOTA PI LAW GROUP  
350 CAMBRIDGE AVENUE SUITE 250  
P O BOX 60850  
PALO ALTO, CA 94306-0850

FORMALITIES LETTER



\*OC000000006105531\*

Date Mailed: 05/23/2001

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**

***Filing Date Granted***

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216

- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

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*hts*  
*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

JUL 02 2001  
C18

## PATENTS ONLY

The Honorable Assistant Commissioner for Patents: Please record the attached original documents or copy thereof

1. Name of conveying party(ies): Stephanie K. Clendennen Add'l names of conveying parties attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2. Name/address of receiving party(ies): Exelixis, Inc.  170 Harbor Avenue P. O. Box 511 South San Francisco, CA 94083
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Other <input type="checkbox"/> Change of Name <input type="checkbox"/> Reassignment	Add'l names of receiving parties attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4. Date of execution: <u>June 14, 2001</u>	
5. Application number(s) and/or patent number(s):	

If this document is being filed with a new application, the date of signature by the first named inventor was: \_\_\_\_\_.

A. Patent Application No.(s)  <u>09/811,093 filed 16 March 2001</u>	B. Patent No.(s)
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Additional numbers attached: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
6. Name and address of party to whom correspondence concerning document should be mailed:  <u>Iota Pi Law Group P.O. Box 60850 Palo Alto, CA 94306 (650) 324-0880 Customer No. 22918</u>	7. Total No. of applications and patents involved:  <u>one (1)</u>
	8. Total fee (37 CFR §3.41): <u>\$40.00</u>  <input checked="" type="checkbox"/> Enclosed is a check for \$40.00
	Total number of pages, including cover sheet, attachments and document: <u>2</u>

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## 10. Statement and signature:

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Linda R. Judge  
Name of Person Signing

Linda R. Judge  
Signature

June 27, 2001  
Date

**COPY**